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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,015	02/25/2000	Robert J. Block	83000.1135;P4722/ARG	7018

7590 03/24/2003

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EXAMINER
PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
2142	11

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/513,015	Applicant(s) BLOCK ET AL.	
	Examiner B. Prieto	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) *9-13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Detailed Action

1. Drawings have been objected to by the Draftsperson under 37 CFR 1.84 or 1.152, correction noted on PTO-948 is required. A proposed drawing correction or corrected drawings are required in reply to this office action to avoid abandonment of the application. The objection to the drawings are no longer held in abeyance. If reply does not include corrected drawings, proposed corrections, or reply to the drawings requirement, the reply would be held non-responsive (See MPEP §1.85 revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (a) revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000).

2. This communication is in response to election mailed 3/10/03, claims 1-8 have been elected and are hereby set forth for examination; claims 9-13 are withdrawn from consideration and claims 1-13 remain pending.

3. It is noted that this application appears to claim subject matter disclosed in prior Application No. 09/063,335, filed 04/20/98 and others on page 11 without an Application No.. A reference to the prior application must be inserted as the first sentence of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. Also, the current status of all nonprovisional parent applications referenced should be included. In this case above-mentioned application's updated status is abandoned as of 01/27/01.

4. The use of the trademarks, e.g. SPARC™ or PENTIUM^{RTM} manufactured by Sun Microsystems, and Intel Corp., respectively etc. has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peacock U.S. Patent No. 6,381,650.

Regarding claim 1, Peacock teaches substantial features of the invention as claimed, teaching a system/method for providing services (computational services) available (col 1/lines 5-26, col 3/lines 34-36), comprising;

initiating a communication between a computer 110 (unit) (col 3/lines 12-18) and a server 120 (first server) (step 310, col 4/line 57-62, step 325, col 5/lines 39-43, initial communication, col 4/lines 40-44);

determining a location of a service (session) on one server of a plurality of servers (col 3/lines 59-67, location information, col 4/lines 8-11, 53-56, determining location info, col 5/lines 13-19);

redirecting said unit to a server (second server) having said service (session) (redirecting, col 6/lines 42-55, col 6/lines 66-col 7/line 2, redirecting unit, col 7/lines 39-58 or locating having said service, step 380, col 6/lines 13-17);

although prior art teaches initiating a communication as mentioned above, between a client and server, these elements are not called "unit" or "first server", respectively; also teaching determining a location of a service provided by a server made available to a client via a client-server communication, the service provided by a server is not called a "session".

It would have been obvious to one ordinary skilled in the art at the time the invention was made to implement prior art's teachings to perform the functions of the invention as claimed, motivation would be to make services available by server to a client although either the client or the server has relocated, as taught by the prior art.

Regarding claim 2, broadcasting a message to said plurality of server (abstract, step 325, broadcast to all the host of the subnet, col 5/lines 39-43).

7. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peacock U.S. Patent No. 6,381,650 in view of DeBettencourt et. al. (DeBettencourt) U.S. Patent No. 6,279,001.

Regarding claim 3, however prior art does not explicitly teach wherein said initiating is particularly in response to a prior server failure;

DeBettencourt teaches a system/method related to making services available by servers to clients (abstract), wherein in response to determining the unavailability of a server (server failure) (not enabled; col 7/lines 35-42, not running, col 7/lines 65-67, availability, col 12/lines 66-67, operational status, col 15/lines 43-55, failed, col 21/lines 29-41) a communication is imitated between a (unit) and a server (first server) (col 7/lines 43-47, unit redirected to another server, col 16/lines 57-65).

It would have been obvious to one ordinary skilled in the relevant art at the time the invention was made to include DeBettencourt's teachings for initiating communication between a unit an server, particularly in response to a prior server failure, as taught by DeBettencourt, motivation to automatically direct the traffic to available web server services upon the occurrence of specific events and provide recovers to events such as component failures and network environment problems, as taught by DeBettencourt.

Regarding claim 4, the service (session) is associated with an identifier (token)(DeBettencourt: table 3, item 21, col 5/lines 25-36).

Regarding claim 5, said first server sending a message to said plurality of servers (servers 100 which contain servers 102) (DeBettencourt: col 9/line 45-47, col 9/lines 56-61, identifiers of table 3); and

said plurality of server responding to said first server with service related (session) information associated with said identifiers (DeBettencourt: col 5/lines 25-39, col 7/lines 16-18).

Regarding claim 6, recent session from a plurality of sessions (session information, col 5/lines 20-39, recent/latest information, col 8/lines 16-18).

Regarding claim 7, securing messages between said unit and said servers (DeBettencourt: col 7/lines 56-61, table 3).

Regarding claim 8, however the above mention prior do not explicitly teach wherein securing is performed with a keyed hash signature;

Official Notice (*see MPEP § 2144.03 Reliance on "Well Known" Prior Art)* is taken that keyed hash signature was old and well known in the Data Processing art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include this feature because it is a common authentication scheme which employs authentication tokens to improved security system against eavesdropping, dictionary attacks, and intrusion into stored password lists (see Ref A).

Citation of Pertinent Art:

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; Copies of documents cited will be provided as set forth in MPEP§ 707.05(a):

Ref A: U.S. Patent No. 5,491,752 (Feb. 1996)

Kaufman et. al. teaches a system for increasing the difficulty of password guessing attacks in a distributed authentication scheme employing authentication tokens; wherein an improved security system inhibits eavesdropping, dictionary attacks, and intrusion into stored password lists. An hash algorithm is performed on the password and token of a workstation and send to a server which services are desired, the server validates and if legit, the user is granted access to the desired computing system. Accordingly, the server sends the workstation a message encrypted using a secret key that comprises a session code computed by applying a second cryptographically secure hashing algorithm to the password and token. The workstation may use the message (1) as a "ticket" to gain access to the desired system for a selected period of time, or (2) as a session-specific shared secret key to encrypt and decrypt subsequent communications with the desired computing system (abstract, col 7/lines 35-49).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Mark R. Powell can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:

(703) 746-7239, for Official communications and entry

Or:

(703) 746-7240, for Non-Official or draft communications, please label "PROPOSED" or "DRAFT".

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".

B. Prieto
Patent Examiner

Mark R Powell

MARK R. POWELL
SUPERVISORY PATENT EXAMINER